

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GENE SIMONS and MARIA SIMONS, h/w Plaintiffs,	: : : : : : :	CIVIL ACTION
v.	:	
ARCAN, INC., Defendant.	: : :	No. 12-01493

ORDER

AND NOW, this 27th day of March, 2013, upon consideration of Defendant's Motion to Dismiss (Doc. No. 4), and all Responses and Replies thereto, it is hereby **ORDERED** that Motion is **DENIED**.

It is **FURTHER ORDERED** that Plaintiff's Motion to Compel (Doc. No. 10) is **DENIED AS MOOT**.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.